

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 10 2022

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CLARENCE WAYNE DIXON,

No. 22-99006

Petitioner-Appellant,

D.C. No. 2:14-cv-00258-DJH

v.

District of Arizona,
Phoenix

DAVID SHINN, Director, Director, Arizona
Department of Corrections,

ORDER

Respondent-Appellee.

This Court sua sponte grants a certificate of appealability ('COA'). *See* 28 U.S.C. § 2253(c)(1) (a circuit justice or judge may issue a COA); *see Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (a COA should issue when reasonable jurists could debate whether the petition should have been resolved in a different manner or when the issue presented is adequate to deserve encouragement to proceed further). The expedited briefing schedule for this appeal is set as follows. The parties are directed to file simultaneous briefs, not to exceed 25 pages, on or before noon Pacific Time on Tuesday, May 10, 2022.

The original panel of Judges S.R. Thomas, Graber, and Ikuta are unavailable to consider this matter. Accordingly, the Court has randomly drawn Judges Bybee, Bress, and Forrest. This panel will hear oral argument at 2:00 p.m. Pacific Time

on Tuesday, May 10, 2022. The Clerk of Court will contact the parties and make appropriate arrangements for a Zoom hearing.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT